

In Re: Methyl Tertiary Butyl Ether : Master File C.A. No.
("MTBE") Products Liability : 00 Civ. 1898 (SAS)
Litigation : MDL 1358

This document pertains to:
City of New York v. Amerada Hess,
et al.,
No. 04 Civ. 3417

JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

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DOC #:
DATE FILED: 8/18/09

The Court having reviewed the objections to designated portions of the deposition of Duane Bordvick dated May 12, 2000, the objections are determined as follows, except insofar as any relevance objections not explicitly ruled on are reserved for trial:

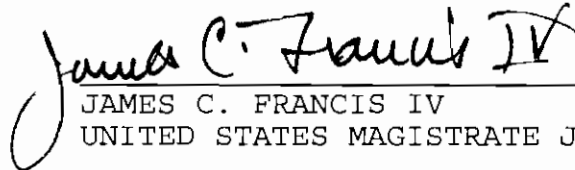
<u>Tab</u>	<u>Pages/Lines</u>	<u>Ruling</u>
1	9:2-9:18	Foundation objection overruled; relevance objection reserved for trial.
2	15:20-15:25	Overruled; witness is testifying to his own conduct; testimony is sufficiently specific.
3	16:05-16:25	Sustained; improper lay opinion.
4	17:17-17:23	Sustained; the report is hearsay if offered for the truth and otherwise is irrelevant.
5	18:5-19:5	Overruled; the witness is competent to testify to information available to the industry; not offered for the truth.
6	19:6-19:18	Sustained; vague, no foundation.
7	20:09-21:12	Overruled; the witness is qualified to provide this testimony.
8	21:13-22:04	Overruled; <u>see</u> ruling for Tab 7; testimony is sufficiently specific.

9 98:23-98:25 Overruled; the witness is laying the foundation for a document he prepared.
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10 99:06-99:24 Overruled; see ruling for Tab 9.

11 105:01-105:07 Overruled; see ruling for Tab 7.

SO ORDERED.


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
August 18, 2009

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